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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
LAY, MICHELLE K	

ART UNIT	PAPER NUMBER
2672	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/608,462	MEYERS ET AL.	
	Examiner	Art Unit	
	Michelle K. Lay	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13 and 15-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13 and 15-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 April 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's amendment filed on 11 April 2005 has been respectfully considered and has necessitated the new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims **1**, **3**, **5**, **6**, **15 – 19**, **21**, **23/1**, **23/3**, **24/1**, **24/3**, **25 – 27**, are rejected under 35 U.S.C. 102(e) as being anticipated by Jones (US Patent No. 6,654,036 B1).

Jones discloses a method, article of manufacture, and apparatus for controlling the relative positioning of one or more open windows that are dynamically arranged in response to user activity.

In regards to claims **1**, **3**, **5**, **15**, **16**, **18**, **23/1**, **23/3**, **24/1**, **24/3**, **25 – 27** –

Referring to Fig. 1, a computer system (110) (claim **25**: computer system) may represent any type of computer, computer system or other programmable electronic device. It includes at least one processor (112) that obtains instructions and data via a

bus (114) from a main memory (116) (claims **24/1**, **24/3**: processor, memory, instructions) [column 3, lines 53 – 65]. The computer system (110) can be connected to a number of operators and peripheral systems, such as input devices (142) and output devices (148). Each of the peripheral systems is connected to the computer system via interfaces (136), (140), and (144). The imputer devices (142) can be any device to give input to the computer system (110) such as a keyboard, keypad, light pen, touch screen, button, mouse, or track ball (claim **25**: user interface control device). The output device (148) includes any conventional display screen (claim **25**: display) [column 4, lines 16 – 32]. The main memory (116) includes an operating system (118), a computer program (120), and a window position program (124) (claims **23/1**, **23/3**: computer-readable media) [column 4, lines 3 – 5].

Fig. 3A shows a display area (300) which may be a viewable screen area of a monitor. The display area (300) contains an active window (302) and an inactive window (304) (claims **1**, **25**: graphical component, claim **3**: graphical component is a window). The inactive window (304) substantially overlaps the active window (302). A cursor is positioned in the visible area of the active window (302) indicating where a user intends to begin typing (claims **1**, **25**: response to selection of graphical component, claim **5**: graphical component selected by input device). When the window-positioning feature is activated, the positioning of the windows (302), (304) is adjusted to ensure that the current position of the cursor remains visible at all times (claims **1**, **25**: determining if graphical component is to be moved from one location to another) [column 6, lines 1 – 12]. Figs. 3B-D illustrates when the inactive windows (304) is

incrementally moved in response to user activity input to the window (302) (claims **1**, **25**, **26**: moving graphical component from current location to destination location) [column 6, lines 1 – 14]. Additionally, the inactive window (304) may remain fixed while the active window is moved [column 6, lines 18 – 20]. As shown in Figs. 3B-D, the method and system of Jones determines the destination location of the inactive window (304) (or active window (302) if inactive window (304) remains fixed) to be an empty space on display area (300) where there are no other windows (claim **15**: open location has no blocking components, claim **18**: blocking components include information bearing portions of other graphics components) so the user can ensure that the current position of the cursor remains visible at all times, i.e. the active window (302) (claims **1**, **25**: determining a destination location, claim **26**: optimal open destination, claim **27**: predetermined criteria). Furthermore, the choice of destination is at least the size of the window that is being moved in order to prevent overlaying other graphical components (claim **16**: open location is at least the size of graphical component).

In regards to claim **6** –

A cursor is positioned in the visible area of the active window (302) indicating where a user intends to begin typing. When the window-positioning feature is activated, the positioning of the windows (302), (304) is adjusted to ensure that the current position of the cursor remains visible at all times [column 6, lines 1 – 12]. In other words, as in this example, based on detecting a keystroke from the keyboard (142) (claim **6**: input device), it is determined that the overlaid inactive window (304) must

move in order to ensure that the current position of the cursor remains visible at all times in the active window (302) (claim **6**: determining graphical component is to be moved).

In regards to claim **17** –

Jones teaches that repositioning may include resizing one or more windows so that the user activity and all or selected windows are whole contained in a screen area [column 5, lines 47 – 49].

In regards to claim **19** –

Referring to Figs. 5A and 5B, an active window (502) is located beneath an inactive window (504). Upon detection that the user activity (determined by the position of the cursor) will move behind the inactive window (504), the active window (502) is moved to the foreground as shown in Fig. 5B [column 6, lines 28 – 33]. Furthermore, although Fig. 5 depicts only two windows, any number of windows can be included [column 6, lines 52 – 53]. Thus, the inactive window (504) has been not accessed within a certain time, thus acting as open space for the active window (502) to be located.

In regards to claim **21** –

As shown in Figs. 3A – 3D, as the user types in the active window (302), the inactive window (304) continues to shift towards to the right as the cursor moves towards the right to ensuring that the current position of the cursor remains visible at all

times. Thus, the constant shifting of the inactive window (304) as the cursor is moving towards the right creates an animated visual as the inactive window (304) moves to the destination location.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **2**, **7**, **20**, **23/20**, **24/20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Patent No. 6,654,036 B1).

Jones teaches the limitations of claims **2**, **7**, **20**, **23/20**, **24/20** with the exception of disclosing receiving a desired direction for the destination location. However, Jones discloses a method, article of manufacture, and apparatus for controlling the relative positioning of one or more open windows that are dynamically arranged in response to user activity. Referring to Fig. 1, a computer system (110) includes at least one processor (112) that obtains instructions and data via a bus (114) from a main memory (116) (claim **24/20**: processor, memory, instructions) [column 3, lines 53 – 65]. The computer system (110) can be connected to a number of operators and peripheral systems, such as input devices (142) (claim **7**: input device) and output devices (148). The main memory (116) includes an operating system (118), a computer program (120),

and a window position program (124) (claim **23/20**: computer-readable media) [column 4, lines 3 – 5].

Fig. 3A shows a display area (300) which may be a viewable screen area of a monitor. The display area (300) contains an active window (302) and an inactive window (304). The inactive window (304) substantially overlaps the active window (302). A cursor is positioned in the visible area of the active window (302) indicating where a user intends to begin typing. When the window-positioning feature is activated, the positioning of the windows (302), (304) is adjusted to ensure that the current position of the cursor remains visible at all times [column 6, lines 1 – 12]. Figs. 3B-D illustrates when the inactive windows (304) is incrementally moved in response to user activity input to the window (302) [column 6, lines 1 – 14]. Additionally, the inactive window (304) may remain fixed while the active window is moved [column 6, lines 18 – 20]. As shown in Figs. 3B-D, the method and system of Jones determines the destination location of the inactive window (304) (or active window (302) if inactive window (304) remains fixed) to be an empty space on display area (300) where there are no other windows so the user can ensure that the current position of the cursor remains visible at all times, i.e. the active window (302). Furthermore, the choice of destination is at least the size of the window that is being moved in order to prevent overlaying other graphical components.

Absent unexpected results, it would have been obvious to one of ordinary skill in the art at the time the invention was made that a desired direction is made to ensure the current position of the cursor remains visible at all time (claims **2**, **7**, **20**). As in the case

of Figs. 3A – 3D, the desired direction of inactive window (304) is toward the right since the cursor in the active window (302) is moving toward the right. Thus, in regards to claim **7**, the typing of the keyboard, i.e. input device, moves the cursor which in turn, forces the inactive window to directionally move accordingly to ensure the cursor is visible at all times.

3. Claims **8**, **23/8**, **24/8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Patent No. 6,654,036 B1) in view of Elliott et al. (US Patent No. 5,621,904).

Jones teaches the limitations of claims **8**, **23/8**, **24/8** with the exception of disclosing determining a predetermined distance. However, Elliot et al. method and apparatus for avoiding overlapped windows.

Jones discloses a method, article of manufacture, and apparatus for controlling the relative positioning of one or more open windows that are dynamically arranged in response to user activity. Referring to Fig. 1, a computer system (110) includes at least one processor (112) that obtains instructions and data via a bus (114) from a main memory (116) (claim **24/8**: processor, memory, instructions) [column 3, lines 53 – 65]. The main memory (116) includes an operating system (118), a computer program (120), and a window position program (124) (claim **23/8**: computer-readable media) [column 4, lines 3 – 5]. Fig. 3A shows a display area (300) which may be a viewable screen area of a monitor. The display area (300) contains an active window (302) and an inactive window (304). The inactive window (304) substantially overlaps the active window

(302). A cursor is positioned in the visible area of the active window (302) indicating where a user intends to begin typing. When the window-positioning feature is activated, the positioning of the windows (302), (304) is adjusted to ensure that the current position of the cursor remains visible at all times [column 6, lines 1 – 12]. Figs. 3B-D illustrates when the inactive windows (304) is incrementally moved in response to user activity input to the window (302) [column 6, lines 1 – 14]. Additionally, the inactive window (304) may remain fixed while the active window is moved [column 6, lines 18 – 20]. As shown in Figs. 3B-D, the method and system of Jones determines the destination location of the inactive window (304) (or active window (302) if inactive window (304) remains fixed) to be an empty space on display area (300) where there are no other windows so the user can ensure that the current position of the cursor remains visible at all times, i.e. the active window (302).

Elliot et al. discloses a computer-implemented method and system for positioning windows displayed on a screen. Referring to Fig. 2, there is depicted a video screen (201), a parent window (202) (i.e., the active window of Jones), and a new window (203) (i.e., the inactive window of Jones), where the new window (203) is positioned and displayed after its parent window (202). [column 2, lines 43 – 47]. The new window is placed a predetermined pixel distance away from the nearest side of parent window (202), referred to as a "gutter" (G) (claim **8**: predetermined distance) [column 3, lines 26 – 30]. The position and size of the parent window (202) and new window (203) are retrieved. The invention of Elliot et al. then tests to see whether there is room to place new window (203) to the right of parent window (202) by comparing the distance, in

pixels, between the parent and the screen with the width of new window (203) [column 3, lines 54 – 58]. If the test proves true, the new window (203) is placed towards the right, but if false, a new test is made for alternate locations near the parent window (202) to ensure that all of new window (203) will be visible on screen (201) column 5, lines 24 – 25].

Therefore, it would have been obvious to one of ordinary skill in the art to include the testing method to place the new window a "gutter" distance away from the parent window of Elliot et al. within the positioning program of Jones so that the display of the inactive window of Jones (i.e., new window of Elliot et al.) does not obscure information displayed within the active window of Jones (i.e., parent window of Elliot et al.) [Elliot et al.: column 3, lines 12 – 15].

4. Claims **4**, **9 – 13**, **22**, **23/4**, **23/9**, **23/22**, **24/4**, **24/9**, **24/22**, **28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Patent No. 6,654,036 B1) in view of Butler et al. (US Patent No. 6,573,913 B1).

Jones teaches the limitations of claims **4**, **9 – 13**, **22**, **23/4**, **23/9**, **23/22**, **24/4**, **24/9**, **24/22**, **28** with the exception of disclosing a second display (claims **9 – 12**), resizing due to different resolutions (claim **4**), and a weighted value (claims **22**, **28**). However Butler et al. teaches a systems and methods for repositioning and displaying objects in multiple monitor environments.

Jones discloses a method, article of manufacture, and apparatus for controlling the relative positioning of one or more open windows that are dynamically arranged in

response to user activity. Referring to Fig. 1, a computer system (110) includes at least one processor (112) that obtains instructions and data via a bus (114) from a main memory (116) (claims **24/4**, **24/9**, **24/22**: processor, memory, instructions) [column 3, lines 53 – 65]. The main memory (116) includes an operating system (118), a computer program (120), and a window position program (124) (claims **23/4**, **23/9**, **23/22**: computer-readable media) [column 4, lines 3 – 5]. Fig. 3A shows a display area (300) which may be a viewable screen area of a monitor. The display area (300) contains an active window (302) and an inactive window (304). The inactive window (304) substantially overlaps the active window (302). A cursor is positioned in the visible area of the active window (302) indicating where a user intends to begin typing. When the window-positioning feature is activated, the positioning of the windows (302), (304) is adjusted to ensure that the current position of the cursor remains visible at all times [column 6, lines 1 – 12]. Figs. 3B-D illustrates when the inactive windows (304) is incrementally moved in response to user activity input to the window (302) [column 6, lines 1 – 14]. Additionally, the inactive window (304) may remain fixed while the active window is moved [column 6, lines 18 – 20]. As shown in Figs. 3B-D, the method and system of Jones determines the destination location of the inactive window (304) (or active window (302) if inactive window (304) remains fixed) to be an empty space on display area (300) where there are no other windows so the user can ensure that the current position of the cursor remains visible at all times, i.e. the active window (302).

Butler et al. teaches a systems and methods for repositioning and displaying objects in multiple monitor environments. The display windows appearing on the screen

are contained within a logical space corresponding to the desktop. The operating system allows applications running on the computer to specify desktop object characteristics such as colors, font sizes, output resolutions (claim **4**: resolution) and the like without regard for the specific limitations of a particular video display adapter or monitor. The graphical device interface (GDI) of Butler et al. converts the application's specified characteristics to conform to the adapter's and monitor's limitations (claim **4**: resizing window in proportion to said new resolution) [column 6, lines 27 – 34]. As shown in the flowchart of Fig. 9, MoveCursor( ) determines which monitor is closest in Euclidean distance to each of the monitors (904) (claims **22**, **28**: weighted values of potential open destinations) [column 10, line 6]. Once determined, Movecursor( ) picks the monitor having the shortest distance to the clipped point and moves the cursor to a location on the edge (or just inside) of that monitor space (906) [column 10, lines 66 – 67] (claim **9**: designating an analogous location of another display region, claim **10**: multiple displays). Referring to Fig. 13(b), Butler et al. illustrates the graphical component being repositioned from it's current location (101) to location (105) within the second display (47), at a decent distance from the display region edges (claim **12**: location is distant from edges). The new pixel coordinates of the relocated graphical component are consequently close to the initial location of the graphical component (claim **11**: same pixel coordinates). Furthermore, if there is no space on the original monitor, the window is moved. It is determined in step (114) whether the window was moved to a position that causes it to span the boundary between its original monitor and

any other monitor (claim **13**: shifting graphical component if it does not fit within display region) [column 16, lines 60 – 65].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the single display of Jones with multiple monitors of Butler et al. where the multiple monitors of Butler et al. would be driven by the input/output interface of Jones because this would aid in alleviating the problem of screen clutter when an end-user has a large number of display regions open on the monitor at the same time [Butler et al.: column 1, lines 54 – 56].

5. Claim **29** is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Patent No. 6,654,036 B1) in view of Ellison-Taylor (US Patent No. 5,796,402).

Jones teaches the limitations of claim **29** with the exception of disclosing the expansion of the window to fill the optimal open destination. However, Ellison-Taylor teaches a computer system that automatically positions and aligns windows on a computer screen without creating overlaps.

Jones discloses a method, article of manufacture, and apparatus for controlling the relative positioning of one or more open windows that are dynamically arranged in response to user activity. Fig. 3A shows a display area (300) which may be a viewable screen area of a monitor. The display area (300) contains an active window (302) and an inactive window (304). The inactive window (304) substantially overlaps the active window (302). A cursor is positioned in the visible area of the active window (302) indicating where a user intends to begin typing. When the window-positioning feature is

activated, the positioning of the windows (302), (304) is adjusted to ensure that the current position of the cursor remains visible at all times [column 6, lines 1 – 12]. Figs. 3B-D illustrates when the inactive windows (304) is incrementally moved in response to user activity input to the window (302) [column 6, lines 1 – 14]. Additionally, the inactive window (304) may remain fixed while the active window is moved [column 6, lines 18 – 20]. As shown in Figs. 3B-D, the method and system of Jones determines the destination location of the inactive window (304) (or active window (302) if inactive window (304) remains fixed) to be an empty space on display area (300) where there are no other windows so the user can ensure that the current position of the cursor remains visible at all times, i.e. the active window (302).

Ellison-Taylor discloses a method and system for automatically positioning windows based on the current position and size of the windows. The tiling program aligns the windows based on the relative position and size of the windows by calculating new coordinates of the windows and providing the new coordinates to the operating system [column 3, lines 32 – 37]. The tiling program aligns the windows so that their sides touch and so that they fill a bounding window (e.g., the entire computer screen) within which they are currently displayed. The tiling program aligns the windows so as to approximate the relative position and size of the currently displayed windows [column 3, lines 42 – 47]. As shown in Figs. 5A – 5F, the invention of Ellison-Taylor aligns and resizes the windows to fill the entire bounding window. Furthermore, the tiling program removes overlaps by adjusting the sides of the overlapping windows, as shown for windows B and D in Fig. 5B [column 4, lines 20 – 22]. After the tiling program has

aligned the windows, the tiling program fills the bounding window with the aligned windows, as shown in Fig. 5E.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the window positioning program of Jones with the tiling program of Elliot-Taylor so that when the active window is moved to an open location, the active window adjusts to the size of the destination location so that overlap with other graphical objects does not occur to ensure that the current position of the cursor remains visible at all times [Jones: column 6, lines 1 – 12].

Response to Arguments

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Thus, Applicant's arguments are respectfully considered moot and a response is unwarranted.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blades (US Patent No, 5,572,647).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle K. Lay whose telephone number is (571) 272-7661. The examiner can normally be reached on Monday - Friday, 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

07.14.2005 mKL

RICHARD HJERPE 7/21/05
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600